

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

RAMON A. BORROTO,

Plaintiff,

vs.

5:04cv165-RH/WCS

OFFICER T. McDONALD, et al.,

Defendants.

ORDER

This cause is before the court upon remand from Chief Judge Hinkle. Doc. 6. In Plaintiff's objections to the report and recommendation, doc. 4, he advises that he has clear intentions to pay the filing fee and requested an extension of 45 days to pay the fee. Doc. 5.

Accordingly, it is **ORDERED**:

1. The report and recommendation entered July 22, 2004, doc. 4 is **VACATED**.
2. Plaintiff's motion for leave to proceed *in forma pauperis*, doc. 2, is **DENIED** as moot.

3. Plaintiff's objection, doc.5, treated as a motion for an extension of time to pay the filing fee, is **GRANTED**. Plaintiff shall have until **September 20, 2004**, in which to pay the \$150 filing fee.

4. Failure to pay the filing fee has instructed will result in a recommendation that this case be dismissed.

DONE AND ORDERED on August 13, 2004.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE